

## **REMARKS**

Claims 1-22 are pending in the application. Claims 9-22 are withdrawn from consideration. Claims 1-8 are rejected.

The Examiner states that during a telephone conversation with David Josephic on December 13, 2002, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-8. Applicant affirms election to Group I, claims 1-8. However, Applicant respectfully requests consideration of the restriction requirement in view of the amendments to the claims. The product claims now recite the functional language which make all claims 1-22 directed to the same invention, but of product and method scope.

### **Claim Rejections 35 U.S.C. § 102:**

The Examiner has rejected claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,922,418 (the Lauchenauer patent). In particular, as to claims 1-3 and 8, the Examiner states that Lauchenauer teaches a heat-sealable textile sheet material suitable for use as an interlining for garments which is prepared by applying to a textile sheet material, or non-woven fibrous web, a coating of thermoplastic resin particles, or a heat-sealable and releasable adhesive. Further, the Examiner states that with respect to claim 4, Lauchenauer teaches that the thermoplastic resin particles, or heat-sealable and releasable adhesive, can be vinyl acetate or acrylic. As to claim 5, the Examiner further states that Lauchenauer teaches that the thermoplastic resin particles, or heat-sealable and releasable adhesive, can contain a polyester derived from itaconic acid. Finally, as to claims 6 and 7, the

Examiner further states that Lauchenauer teaches that the textile sheet material, or non-woven fibrous web, can comprise cotton and polyester, including blends of such fibers. Thus, the Examiner submits that the Lauchenauer patent discloses each and every element of the claims of the present application. Applicant respectfully disagrees in view of the claims as presently amended.

In response, Applicant has amended claim 1 to recite that the present invention includes a nonwoven fibrous quilt batt having a heat sealable and releasable adhesive. Claim 1, as presently amended recites that the batt may be applied to, removed from, and reapplied to and adjacent quilt material, which is a backing material of a quilt or a top fabric of a quilt, during formation of a quilt. Additionally, Applicant submits that the specification of the present application is directed to a fusible nonwoven fibrous web used as a quilt batt, having an adhesive to allow for application of the batt to quilt backing materials and top fabrics during formation of a quilt. The quilt batt can be removed from and reapplied to adjacent quilt materials in the event of incorrect initial application. By contrast, the Lauchenauer patent discloses an interlining for garments. These interliners are used to retain shape in cuffs and collars and other form-retentive portions of garments (See column 1, lines 9-12 and lines 61-68). Nowhere does the Lauchenauer patent suggest use of the garment interlining it discloses as a quilt batt for application to, removal from, and reapplication to an adjacent quilt material during formation of a quilt. Support for the amendments to claim 1 may be found throughout the specification, and at least at page 4, lines 4-5 and 15-19; page 7, lines 11-16; page 9, line 24 through page 10, line 3; and page 10, lines 12-15. Claims 2-7 have been amended to render those claims consistent with the

language of claim 1. Applicant has deleted claim 8 because corresponding amendments to claim 8 would make that claim essentially duplicative of presently amended claim 1.

In view of the above, Applicant asserts that the Lauchenauer patent does not disclose a quilt batt, having an adhesive, that may be applied to, removed from, and reapplied to an adjacent quilt material, such as a quilt backing or top fabric, during formation of a quilt, as is recited by presently amended claim 1 of the present application. Thus, Applicant asserts that all claims are not anticipated by the Lauchenauer patent. Further, as claim 1 is not anticipated, Applicant asserts that all claims are also not anticipated by the Lauchenauer patent. Applicant thus respectfully requests a withdrawal of the rejection under 35 U.S.C. § 102.

#### **CONCLUSION**

For the foregoing reasons, Applicant submits that all claims are patentable and an Notice of Allowance is respectfully requested.

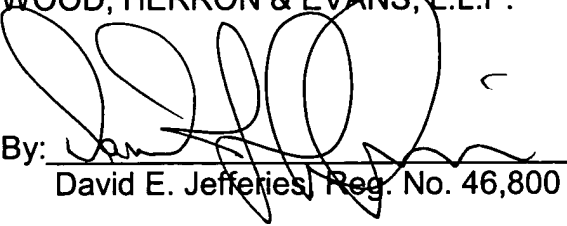
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Applicant believes that no fee is due. If, however, any additional fee or surcharges are deemed due, please charge same or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the claims:**

1. (AMENDED) A fusible non-woven fibrous [web] quilt batt comprising:  
a non-woven fibrous [web] quilt batt; and  
a heat sealable and releasable adhesive in said [web] quilt batt, wherein  
said adhesive binds the fibers of the [web] batt and provides a tackiness sufficient to  
allow said [web] batt to be applied to, removed from, and reapplied to an adjacent quilt  
material selected from the group consisting of a backing material of a quilt and a top  
fabric of a quilt during the formation of the quilt.

2. (AMENDED) The [web] quilt batt of claim 1 wherein said adhesive  
remains substantially in said [web] batt during removal of the [web] batt from and  
reapplication of the [web] batt to said adjacent material.

3. (AMENDED) The [web] quilt batt of claim 1 wherein said adhesive  
includes a thermoplastic.

4. (AMENDED) The [web] quilt batt of claim 3 wherein said adhesive is  
selected from the group consisting of an acrylic, a vinyl acrylic, a vinyl acetate, and an  
ethylene vinyl acetate.

5. (AMENDED) The [web] quilt batt of claim 3 wherein said adhesive further includes itaconic acid.

6. (AMENDED) The [web] quilt batt of claim 1 wherein said [web] batt includes fiber selected from the group consisting of cotton, polyester, rayon, nylon and wool.

7. (AMENDED) The [web] quilt batt of claim 1 wherein said [web] batt includes cotton and a polyester.

Claim 8 has been deleted.